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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,750	10/22/2001	Yasuhisa Abe	Q66828	8430

7590 02/20/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER

HSIEH, SHIH YUNG

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,750

Applicant(s)

ABE ET AL.

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 3 and 5 are objected to because of the following informalities: the phrase "may be" in the claims is indefinite. Appropriate correction is required.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "said adhesive has an inner loss to such an extent " is indefinite because "to such an extent" is vague, and because adhesive used in bonding dampers together will provide certain extent inner loss for dampening the vibration.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 09/973,808 which has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application.

This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was

Art Unit: 2837

derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al. (5,125,473) in view of Tomiyama et al. (US2002/0043424).

Regarding claim 1, Sakamoto et al. discloses the claimed invention except a reinforcing damper which is attached to a part of said main damper.

Tomiyama et al. teach a reinforcing damper (12) which is attached to a part of said main damper (11 and Fig. 3B) for enhancing reliability in resisting a high power (abstract). It would have been obvious to one having ordinary skill in the art to modify Sakamoto et al's damper as taught by Tomiyama et al. to include a reinforcing damper which is attached to a part of said main damper for the purpose of enhancing reliability in resisting a high power.

Regarding claim 2, Sakamoto et al. disclose the claimed invention (col. 4, line 39 and col. 4, line 61).

Regarding claim 3, see statement addressed to claim 1.

Art Unit: 2837

Regarding claim 4, Sakamoto et al. discloses the claimed invention except that said main damper and said reinforcing damper are bonded to each other by means of an adhesive.

Tomiya et al. teach a main damper (11) and an reinforcing damper (12) being bonded to each other by means of an adhesive (paragraph 0043). It would have been obvious to one having ordinary skill in the art to modify Sakamoto et al's damper as taught by Tomiya et al. to include an adhesive for the purpose of bonding the main damper and the auxiliary damper together.

Regarding claim 5, Sakamoto et al. discloses the claimed invention except that said adhesive has an inner loss to such an extent that sympathetic vibration of said electrically conductive damper occurring when said voice coil bobbin is driven may be dampened.

Tomiya et al. teach using adhesive to bond the dampers together for dampening the vibration. Therefore, the adhesive used to bond the dampers together for dampening the vibration must have an inner loss for such function. It would have been obvious to one having ordinary skill in the art to modify Sakamoto et al's damper as taught by Tomiyama et al. to include said adhesive having an inner loss to such an extent that sympathetic vibration of said electrically conductive damper occurring when said voice coil bobbin is driven may be dampened.

Regarding claims 6 and 7, Sakamoto et al. disclose the claimed invention.

Tomiya et al. teach the bonding method for a main damper and an auxiliary damper.

See above.


Art Unit: 2837

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 571-272-2071. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh


SHIH-YUNG HSIEH
PRIMARY EXAMINER